

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PHNL031003WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/IB2004/051386	International filing date (<i>day/month/year</i>) 04 August 2004 (04.08.2004)	Priority date (<i>day/month/year</i>) 18 August 2003 (18.08.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 21 February 2006 (21.02.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold;">Idhir Britel</div> Telephone No. +41 22 338 70 60

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 17 NOV 2004

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/051386

International filing date (day/month/year)
04.08.2004

Priority date (day/month/year)
18.08.2003

International Patent Classification (IPC) or both national classification and IPC
A47J31/06, A47J31/44, A47J31/46

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/051386

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2004/051386

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,4,7,8
	No: Claims	1,2,5,6,9,10
Inventive step (IS)	Yes: Claims	4,7
	No: Claims	1-3,5,6,8-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

0. Reference is made to the following document:

D1: WO 01/15582 A (KRAAN DIEDERIK ; LEE DE NV SARA (NL)) 8 March 2001 (2001-03-08)

1. D1 discloses (see p.5, line 8 - p.11 and figures and furthermore see also the description of the current application, p.1, line 9 - p.2, line 12) a beverage making device comprising a brewing chamber, the brewing chamber being defined by an upper wall (in plane 90) with one or more holes (access opening 24) through which heated water can enter the brewing chamber, and by the wall of a first removable part (holder 4) having an edge that can abut against said upper wall via first sealing means (sealing ring 36) in order to form the brewing chamber, said first removable part being provided with outlet means (outflow opening 22) for guiding brewed liquid out of the brewing chamber, whereby a second removable part (e.g. a similar part with double brewing chamber suitable for usage with a double pouch with furthermore the same characteristics as the first pouch) comprising means for guiding the heated water from said one or more holes to outside the device (via outflow opening 26), where the heated water can be caught in one or more cups, which second removable part is interchangeable with said first removable part.

Hence the subject-matter of **claim 1 is not novel** (Art 33(2) PCT).

2. Since the same reasoning can be made for the water outlet module of **claim 9 and the method claim 10**, these claims do also **not** meet the requirements of the PCT with respect to **novelty or inventive step** (Art 33(2) or (3) PCT)
3. D1 discloses furthermore the features of dependent **claims 2,5 and 6** so their subject-matter is evenso not novel (Art 33(2) PCT).

Claim 2 : another chamber (collecting reservoir 28)

Claims 5-6 : restriction means (see figure : projections around (access opening 24)

4. The subject-matters of dependent **claims 8** (two outlets) and **claim 3** (sealing means round holes : a skilled man would easily attach sealing means at the upper periphery of the holder 4 so that it surrounds the holes 24) does **not** seem to

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/051386

involve an **inventive** step because it refers to features which are generally known or which come within the scope of customary practice of a person skilled in the art.

- 5.. The combinations of features of **dependent claims 4 or 7** are neither known from, nor rendered obvious by, the available prior art. Hence their subject-matters are considered novel and inventive over the prior art (Art 33(2) and (3) PCT).